In Re: Ohio Valley University Bk.No.: 22-00056

Debtor.

APPLICATION BY ATTORNEY FOR TRUSTEE FOR COMPENSATION

The Chapter 7 Trustee makes this statement in support of his application for attorney fees as counsel for Trustee. The Debtor, Ohio Valley University, filed a voluntary Chapter 7 bankruptcy petition on the 17th day of February, 2022, with the Chapter 7 Trustee being appointed on February 17, 2022. Your applicant was appointed as counsel for Trustee pursuant to an Order entered by the Court herein on March 22, 2022, with services beginning on March 7, 2022. The services contemplated and included in this application were performed for the Trustee to maximize any return to creditors. Counsel for Trustee seeks compensation at the rate of \$350.00 per hour. This is a final application for fees and there have been no interim applications. The time periods for services contemplated by this application are from March 7, 2022 through April 3, 2024.

The assets of the estate of the Debtor administered by said Trustee have a value of approximately \$408,418.18 and his disbursements in such operation were approximately \$126,321.81, leaving a balance of cash on hand of approximately \$282,096.37. Total costs and expenses of the Trustee total \$27,088.33. All funds on hand are available for distribution to creditors filing claims and secured creditors whose liens attached to the funds. The Trustee's Final Report is expected to be filed with the Office of the Assistant U.S. Trustee by May 20, 2024. Barring any objection to this application and the Final Report, the case should be completed by August 1, 2024 and funds distributed by August 8, 2024. All services included therein were provided by counsel and his office staff.

Attached hereto as "Exhibit A" is a detailed accounting of services rendered in connection with this representation.

Attached as "Exhibit B" are project categories and abbreviations utilized in describing services rendered in Exhibit A.

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No. 5:22-bk-00056 Doc 279-2 Filed 06/27/24 Entered 06/27/24 09:08:03 Page 2 of 20

Attached as "Exhibit C" is a Summary Sheet that synopsizes compensation and expenses requested, prior compensation and expenses awarded, if applicable, the billing rate for each person billed time, total hours billed, total amounts of billing for person who billed time and a blended hourly rate.

WHEREFORE, your applicant prays that an allowance is made to him in the sum of \$54,032.14 which represents \$53,235.00 as compensation and \$797.14 in expenses, for professional services rendered in this proceeding.

Submitted by:

Thomas H. Fluharty, Trustee

408 Lee Avenue

Clarksburg, WV 26301

(304) 624-7832

WV Bar No.: 1231

No. 5:22-bk-00056 Doc 279-2 Filed 06/27/24 Entered 06/27/24 09:08:03 Page 3 of 20

Printed: 05/15/24 10:07 AM

Attorney Timesheet Report

Page: 1

Trustee: Thomas H. Fluharty (680230)

Period: 03/07/22 - 04/03/24

Case Number: 22-00056

Case Name: OHIO VALLEY UNIVERSITY

Case Type: Asset

Judge: David L. Bissett

Category	Name	Date	Description	Hours/Unit	Rate	Total
Travel	Thomas Fluharty, Attorney, Other	06/21/23	to Fairmont & New Martinsville, record room work on O/G interests	4.00	\$175.00	\$700.00
	Thomas Fluharty, Attorney, Other	12/14/22	to & from Vienna (OVU) meet w/Mike Kain/Ben Moore, etal & met w/ transcripts. & met with M	2.50	\$175.00	\$437.50
	Thomas Fluharty, Attorney, Other	09/22/22	to Parkersburg & Marietta OH meet w/auctioneer & Mr Stotts @ WV DMV, then DMV Marietta	3.00	\$175.00	\$525.00
	Thomas Fluharty, Attorney, Other	09/21/22	to Tyler County Courthouse review O/G records	1.50	\$175.00	\$262.50
	Thomas Fluharty, Attorney, Other	08/30/22	to Courthouses Tyler & Wetzel Counties O/G interests	1.50	\$175.00	\$262.50
	Thomas Fluharty, Attorney, Other	08/10/22	to Courthouses of Tyler & Doddridge Counties do research on O/G interests	1.50	\$175.00	\$262.50
	Thomas Fluharty, Attorney, Other	07/28/22	to Parkersburg & take picture of Ross' car	2.50	\$175.00	\$437.50
	Thomas Fluharty, Attorney, Other	06/09/22	to Parkersburg meet w/Pyle rep re: auction	2.50	\$175.00	\$437.50
	Subtotal for Categ	ory: Travel		19.00		\$3,325.00

No. 5:22-bk-00056 Doc 279-2 Filed 06/27/24 Entered 06/27/24 09:08:03 Page 4 of 20

Printed: 05/15/24 10:07 AM

Attorney Timesheet Report

Trustee: Thomas H. Fluharty (680230)

Period: 03/07/22 - 04/03/24

Category	Name	Date	Description	Hours/Unit	Rate	Total
Telephone Conference	Thomas Fluharty, Attorney, Other	10/25/23	TIAA & Kalish re: pensions / attn to file	1.00	\$350.00	\$350.00
	Thomas Fluharty, Attorney, Other	09/27/23	McCulliss O/G	0.25	\$350.00	\$87.50
	Thomas Fluharty, Attorney, Other	08/29/23	R. Scott Dept of Ed re: auction	0.50	\$350.00	\$175.00
	Thomas Fluharty, Attorney, Other	05/16/23	THF re: petition, accts?	2.00	\$350.00	\$700.00
	Thomas Fluharty, Attorney, Other	09/20/22	TC - Sherry re: orders on Harrison & Doddridge Counties O/G - etc. // return call of Ben Moore	0.50	\$350.00	\$175.00
	Thomas Fluharty, Attorney, Other	04/21/22	prospective purchaser of coal	0.50	\$350.00	\$175.00
	Subtotal for Catego	ory: Telepho	one Conference	4.75		\$1,662.50

No. 5:22-bk-00056 Doc 279-2 Filed 06/27/24 Entered 06/27/24 09:08:03 Page 5 of 20

Printed: 05/15/24 10:07 AM

Attorney Timesheet Report

Trustee: Thomas H. Fluharty (680230)

Period: 03/07/22 - 04/03/24

Category	Name	Date	Description	Hours/Unit	Rate	Total
Meeting	Thomas Fluharty, Attorney, Other	09/22/22	in Parkersburg meet w/ Auctioneer & Mr. Stotts at WV DMV & DMV Marietta	1.50	\$350.00	\$525.00
	Subtotal for Categ	ory: Meeting	1	1.50		\$525.00

No. 5:22-bk-00056 Doc 279-2 Filed 06/27/24 Entered 06/27/24 09:08:03 Page 6 of 20

Printed: 05/15/24 10:07 AM

Attorney Timesheet Report

Page: 4

Trustee: Thomas H. Fluharty (680230)

Category	Name	Date	Description	Hours/Unit	Rate	Total
Auction	Thomas Fluharty, Attorney, Other	12/14/22	prepare for & conduct Tyler Co O/G auction	1.50	\$350.00	\$525.00
	Thomas Fluharty, Attorney, Other	10/05/22	conduct coal auction & attn to pending matters	1.50	\$350.00	\$525.00
	Subtotal for Category	ory: Auctior	1	3.00		\$1,050.00

No. 5:22-bk-00056 Doc 279-2 Filed 06/27/24 Entered 06/27/24 09:08:03 Page 7 of 20

Printed: 05/15/24 10:07 AM

Attorney Timesheet Report

Page: 5

Trustee: Thomas H. Fluharty (680230)

Category	Name	Date	Description	Hours/Unit	Rate	Total
Case Administration	Thomas Fluharty, Attorney, Other	03/08/24	mail notice	0.50	\$350.00	* \$175.00
	Thomas Fluharty, Attorney, Other	02/07/24	email to Cranehill Capital re: remnant bid	0.25	\$350.00	\$87.50
	Thomas Fluharty, Attorney, Other	12/19/23	TC - Mike Kain re: status of case claims & anticipated distribution	0.50	\$350.00	\$175.00
	Thomas Fluharty, Attorney, Other	11/16/23	forwarded TIAA docs / inquiry to Kalish	0.50	\$350.00	\$175.00
	Thomas Fluharty, Attorney, Other	08/14/23	review motion & sign / check on hearing / etc	1.00	\$350.00	\$350.00
	Thomas Fluharty, Attorney, Other	07/13/23	attn to Perkins loans docs / various emails & participate in hearing	0.70	\$350.00	\$245.00
	Thomas Fluharty, Attorney, Other	07/10/23	draft motion to sell O/G to Armstrong TC - Ben re: PNs & send info to DOE	0.50	\$350.00	\$175.00
	Thomas Fluharty, Attorney, Other	07/07/23	text Wiley re: O/G	0.25	\$350.00	\$87.50
	Thomas Fluharty, Attorney, Other	07/05/23	TC - J. Wiley re: oil & gas text to Curtis et al re: Perkins loan	0.75	\$350.00	\$262.50
	Thomas Fluharty, Attorney, Other	06/14/23	review reinstating 501(c)3 request / email to Mike Kain / TC- Ben Moore TC - Charlie Nelson re: cost of assignments of Perkins Loans // email to Augustus Curtis	1.50	\$350.00	\$525.00
	Thomas Fluharty, Attorney, Other	06/02/23	investigate 501(c)3 status	1.25	\$350.00	\$437.50
	Thomas Fluharty, Attorney, Other	06/01/23	OC - Betty re: state tax & sales exemption letter & inquiry w/Jack re: 501(c)3 status // email Mike Kain	1.00	\$350.00	\$350.00

Printed: 05/15/24 10:07 AM

Attorney Timesheet Report

Trustee: Thomas H. Fluharty (680230)

Period: 03/07/22 - 04/03/24

Category	Name	Date	Description	Hours/Unit	Rate	Total
	Thomas Fluharty, Attorney, Other	05/31/23	attn to O/G leases	0.20	\$350.00	\$70.00
	Thomas Fluharty, Attorney, Other	01/20/23	draft motion to expend funds for transcripts	1.50	\$350.00	\$525.00
	Thomas Fluharty, Attorney, Other	01/18/23	draft motion to Oklahoma to take over transcripts & draft agreement // correct coal deeds // left message w/Mueller at Oklahoma.	5.00	\$350.00	\$1,750.00
	Thomas Fluharty, Attorney, Other	12/19/22	revise order - Tyler Co & OC-BM re: deed	1.00	\$350.00	\$350.00
	Thomas Fluharty, Attorney, Other	12/15/22	attn to order re: sale - Tyler Co	1.00	\$350.00	\$350.00
	Thomas Fluharty, Attorney, Other	12/14/22	in Vienna meet with Mike Kain /Ben Moore, et al re: transcripts & met with M	2.00	\$350.00	\$700.00
	Thomas Fluharty, Attorney, Other	12/13/22	prepare for travel to Parkersburg re: transcripts & prepare for Tyler Co O/G auction	3.00	\$350.00	\$1,050.00
	Thomas Fluharty, Attorney, Other	12/12/22	revise & file Motion to employ firm to terminate pension fund	3.00	\$350.00	\$1,050.00
	Thomas Fluharty, Attorney, Other	12/07/22	review production & OC- BM re: sending to prospective bidders // TC-Ben Moore re: transcripts // TC- Lisa @ Marietta re: 12/14 meeting & attn motion to lease O/G Wetzel Co.	3.50	\$350.00	\$1,225.00
	Thomas Fluharty, Attorney, Other	11/30/22	attn to emails re: Tyler Co // TC-Robertson & draft notice of auction	1.50	\$350.00	\$525.00
	Thomas Fluharty, Attorney, Other	11/22/22	review APA // email to Brad / TC Ben Moore re: hard dirve & transcripts	1.00	\$350.00	\$350.00
	Thomas Fluharty, Attorney, Other	11/14/22	text Augie re: OVU - Perkins loans & draft order.	1.00	\$350.00	\$350.00

No. 5:22-bk-00056 Doc 279-2 Filed 06/27/24 Entered 06/27/24 09:08:03 Page 9 of 20

Printed: 05/15/24 10:07 AM

Attorney Timesheet Report

Trustee: Thomas H. Fluharty (680230)

Period: 03/07/22 - 04/03/24

Category	Name	Date	Description	Hours/Unit	Rate	Total
	Thomas Fluharty, Attorney, Other	11/10/22	email Kitchens re: coal & Anteros re: O/G & attn to file	1.50	\$350.00	\$525.00
	Thomas Fluharty, Attorney, Other	11/09/22	revise ap to sell Tyler Co O/G to McCulliss	1.50	\$350.00	\$525.00
	Thomas Fluharty, Attorney, Other	11/03/22	w/d ap to sell Tyler O/G & attn to Clearwater Royalty offer	1.00	\$350.00	\$350.00
	Thomas Fluharty, Attorney, Other	10/26/22	revise drafts of coal deeds	2.00	\$350.00	\$700.00
	Thomas Fluharty, Attorney, Other	10/25/22	review drarft & deeds for coal (36 deeds)	3.00	\$350.00	\$1,050.00
	Thomas Fluharty, Attorney, Other	10/24/22	revise Tyler Co O/G motion & review docket re: Pleasants Co O/G	1.50	\$350.00	\$525.00
	Thomas Fluharty, Attorney, Other	10/11/22	revise coal order & ap to sell Tyler O/G	2.00	\$350.00	\$700.00
	Thomas Fluharty, Attorney, Other	10/10/22	draft order on coal sale & ap to sell Tyler O/G & review Pleasant Co O/G motion to lease	4.00	\$350.00	\$1,400.00
	Thomas Fluharty, Attorney, Other	09/26/22	attn to corresp - Rapp / Sheehan / re: windup trust	0.75	\$350.00	\$262.50
	Thomas Fluharty, Attorney, Other	09/23/22	draft / file Notice of Auction	2.00	\$350.00	\$700.00
	Thomas Fluharty, Attorney, Other	09/19/22	return various emails r: transcripts / TC-M. Kain re: transcripts	1.00	\$350.00	\$350.00
	Thomas Fluharty, Attorney, Other	09/15/22	revise Perkins Loan motion / OC-BM	1.00	\$350.00	\$350.00
	Thomas Fluharty, Attorney, Other	09/14/22	draft Perkins Loan motion / TC - Pyle auction	1.00	\$350.00	\$350.00

No. 5:22-bk-00056 Doc 279-2 Filed 06/27/24 Entered 06/27/24 09:08:03 Page 10 of 20

Printed: 05/15/24 10:07 AM

Attorney Timesheet Report

Trustee: Thomas H. Fluharty (680230)

Period: 03/07/22 - 04/03/24

Category	Name	Date	Description	Hours/Unit	Rate	Total
	Thomas Fluharty, Attorney, Other	09/12/22	attn to coal auction notice / transcript issues / scheduling // inquiry about trailer more, etc.	1.50	\$350.00	\$525.00
	Thomas Fluharty, Attorney, Other	08/26/22	review EQT - O& G lease Wetzel Co & advise Betty to start on application to lease	2.00	\$350.00	\$700.00
	Thomas Fluharty, Attorney, Other	08/24/22	draft notices on O/G auction	2.00	\$350.00	\$700.00
	Thomas Fluharty, Attorney, Other	08/23/22	TC - J. Bissett re: auction & draft order	1.00	\$350.00	\$350.00
	Thomas Fluharty, Attorney, Other	08/15/22	TC - Mike Kain re: vandalism / attn to auction / draft ap to sell by auction / & expedited hearing - etc.	1.50	\$350.00	\$525.00
	Thomas Fluharty, Attorney, Other	08/02/22	work on motion to compromise	1.50	\$350.00	\$525.00
	Thomas Fluharty, Attorney, Other	08/01/22	preparing brief & Court hearing re: coal	3.00	\$350.00	\$1,050.00
	Thomas Fluharty, Attorney, Other	06/21/22	review O/G info - Harr & Dodd / draft letter to C.M re: Harr Co.	1.25	\$350.00	\$437.50
	Thomas Fluharty, Attorney, Other	06/09/22	in Parkersburg meet w/ Pyle rep re: auction	1.00	\$350.00	\$350.00
	Thomas Fluharty, Attorney, Other	06/02/22	review record room docs / Dodd - Roane - Greenbrier & draft offer letters	2.00	\$350.00	\$700.00
	Thomas Fluharty, Attorney, Other	05/31/22	attn to ap to sell coal/revise, etc. // OC-BM re: vehicle sales	2.00	\$350.00	\$700.00
	Subtotal for Catego	ory: Case A	dministration	73.40		\$25,690.00

No. 5:22-bk-00056 Doc 279-2 Filed 06/27/24 Entered 06/27/24 09:08:03 Page 11 of 20

Printed: 05/15/24 10:07 AM

Attorney Timesheet Report

Page: 9

Trustee: Thomas H. Fluharty (680230)

Category	Name	Date	Description	Hours/Unit	Rate	Total
Sale of Assets	Thomas Fluharty, Attorney, Other	03/06/24	attn to remnant APA etc.	2.00	\$350.00	\$700.00
	Thomas Fluharty, Attorney, Other	02/21/24	attn to file / draft remnant motion etc.	2.00	\$350.00	\$700.00
	Thomas Fluharty, Attorney, Other	11/20/23	email to Rapp re: closing	0.25	\$350.00	\$87.50
	Thomas Fluharty, Attorney, Other	10/12/23	attn to deed / emails Rapp re: closing	1.00	\$350.00	\$350.00
	Thomas Fluharty, Attorney, Other	09/28/23	Auction of O/G / prepare for auction. TC- Wiley	1.00	\$350.00	\$350.00
	Thomas Fluharty, Attorney, Other	09/07/23	revise notice of auction	0.75	\$350.00	\$262.50
	Thomas Fluharty, Attorney, Other	08/10/23	make slight revision to motion /order text BR	0.20	\$350.00	\$70.00
	Thomas Fluharty, Attorney, Other	07/05/23	review motion / draft notice / revise order /	1.00	\$350.00	\$350.00
	Thomas Fluharty, Attorney, Other	06/29/23	draft & review ap to sell r/e & pp	2.50	\$350.00	\$875.00
	Thomas Fluharty, Attorney, Other	06/23/23	review APA begin draft of ap to sell	1.25	\$350.00	\$437.50
	Thomas Fluharty, Attorney, Other	06/22/23	draft proposal on oil & gas interests	1.00	\$350.00	\$350.00
	Thomas Fluharty, Attorney, Other	12/14/22	prepare for telephonic auction & conduct auction	2.00	\$350.00	\$700.00
	Thomas Fluharty, Attorney, Other	10/25/22	drafted deed coal assets sale	1.50	\$350.00	\$525.00

No. 5:22-bk-00056 Doc 279-2 Filed 06/27/24 Entered 06/27/24 09:08:03 Page 12 of 20

Printed: 05/15/24 10:07 AM

Attorney Timesheet Report

Page: 10

Trustee: Thomas H. Fluharty (680230)

Category	Name	Date	Description	Hours/Unit	Rate	Total
	Thomas Fluharty, Attorney, Other	10/24/22	drafted deeds coal assets sale	5.50	\$350.00	\$1,925.00
	Thomas Fluharty, Attorney, Other	10/21/22	drafted deeds coal assets sale	3.00	\$350.00	\$1,050.00
	Thomas Fluharty, Attorney, Other	10/17/22	drafted deeds coal assets sale	6.00	\$350.00	\$2,100.00
	Thomas Fluharty, Attorney, Other	10/14/22	drafted deeds coal assets sale	5.50	\$350.00	\$1,925.00
	Thomas Fluharty, Attorney, Other	10/13/22	drafted deeds for coal assets sale	4.50	\$350.00	\$1,575.00
	Subtotal for Catego	ory: Sale of	Assets	40.95		\$14,332.50

No. 5:22-bk-00056 Doc 279-2 Filed 06/27/24 Entered 06/27/24 09:08:03 Page 13 of 20

Printed: 05/15/24 10:07 AM

Attorney Timesheet Report

Page: 11

Trustee: Thomas H. Fluharty (680230)

Category	Name	Date	Description	Hours/Unit	Rate	Total
Record Room Work	Thomas Fluharty, Attorney, Other	06/21/23	in Fairmont & New Martinsville on O/G interests	2.50	\$350.00	\$875.00
	Thomas Fluharty, Attorney, Other	09/21/22	in Tyler Co to review O/G records	2.00	\$350.00	\$700.00
	Thomas Fluharty, Attorney, Other	08/30/22	in Courthouses of Tyler & Wetzel Counties O/G interest	2.50	\$350.00	\$875.00
	Thomas Fluharty, Attorney, Other	06/13/22	record room work in Vienna	2.00	\$350.00	\$700.00
	Thomas Fluharty, Attorney, Other	04/21/22	on line research re: coal / oil & gas	2.00	\$350.00	\$700.00
	Thomas Fluharty, Attorney, Other	03/22/22	Lewis, Upshur, Randolph Counties	3.00	\$350.00	\$1,050.00
	Subtotal for Category: Record Room Work			14.00		\$4,900.00

No. 5:22-bk-00056 Doc 279-2 Filed 06/27/24 Entered 06/27/24 09:08:03 Page 14 of 20

Printed: 05/15/24 10:07 AM

Attorney Timesheet Report

Trustee: Thomas H. Fluharty (680230)

Period: 03/07/22 - 04/03/24

Category	Name	Date	Description	Hours/Unit	Rate	Total
Research	Thomas Fluharty, Attorney, Other	08/10/22	in Courthouses of Tyler & Dodd Counties research O/G interests	3.00	\$350.00	\$1,050.00
	Thomas Fluharty, Attorney, Other	04/05/22	Marion County online of oil & gas minerals	2.00	\$350.00	\$700.00
	Subtotal for Category: Research			5.00		\$1,750.00
-			Total for case:	161.60		\$53,235.00

Grand Total: 161.60 \$53,235.00

Printed: 05/15/2024 7.13 AM Page: 1

Attorney Expense

Period: 06/09/2022 - 06/21/2023 Trustee: Thomas H. Fluharty

Case Number: 22-00056 Case Name: OHIO VALLEY UNIVERSITY

Case Type: Asset Judge: David L. Bissett

Petition Date: 02/17/2022 341a Meeting: 06/16/2022 1.00 PM

Category: TRAV

Date	Description	Hours/Unit	Rate	Total
06/21/2023	to Fairmont & New Martinsville, record room work on O/G interests	139.0	\$ 0.655000	\$91.04
12/14/2022	to & from Vienna (OVU) meet w/Receiver & personnel re; future of students transcripts.	156.0	\$ 0.585000	\$91.26
09/22/2022	to Parkersburg & Marietta OH meet w/auctioneer & Mr Stotts @ WV DMV, then DMV Marietta	184.0	\$ 0.585000	\$107.64
09/21/2022	to Tyler County Courthouse review O/G records	78.0	\$ 0.585000	\$45.63
08/30/2022	to Courthouses Tyler & Wetzel Counties O/G interests	112.0	\$ 0.585000	\$65.52
08/10/2022	to Courthouses of Tyler & Doddridge Counties do research on O/G interests	88.0	\$ 0.585000	\$51.48
07/29/2022	to Parkersburg & home; look & take pictures of another vehicle dropped off at campus	146.0	\$ 0.585000	\$85.41
07/28/2022	to Parkersburg & take picture of Ross' car	146.0	\$ 0.585000	\$85.41
06/13/2022	record room work in Vienna	151.0	\$ 0.585000	\$88.34
06/09/2022	to Parkersburg meet w/Pyle rep re: auction	146.0	\$ 0.585000	\$85.41
	Total for category TRAV	1346.0		\$797.14

Total for case 22-00056: \$797.14

Grand Total: \$797.14

In Re: Ohio Valley University Bk. No.: 22-00056

Debtor.

EXHIBIT - B

Project categories
Asset Analysis and Recovery: Identification and review of potential assets including causes of action and nonlitigation recoveries.
Asset Deposition: Sales, leads, (S365 matters), abandonment and related transaction work.
Business Operations: Issues related to debtor-in possession operating in Chapter 11 such as employee, vendor, tenant issues and other similar problems.
Case Administration: Coordination and compliance activities, including preparation of a statement of financial affairs; schedules, list of contracts; United States Trustee's interim statements and operating reports; contacts with the United States Trustee; general creditor inquiries.
Claims Administration and Objections: Specific claim inquires; bar date motions; analysis, objections and allowances of claims.
Employee Benefits/Pensions: Review issues such as severance, retention, 401K coverage and continuance of pension plans.
Fee/Employment Applications: Preparations of employment and fee application for self or others; motions to establish interim procedures.
Fee/Employment Objections: Review of and objections to the employment and fee application of others.
Financing: Matters under ss 361, 363 and 364 including cash collateral and secured claims; loan document analysis.
Litigation: There should be a separate category established for each matter. (E.g., XYZ Stay Litigation).

No. 5:22-bk-00056 Doc 279-2 Filed 06/27/24 Entered 06/27/24 09:08:03 Page 17 of 20

- Meetings of Creditors: Preparing for and attending the conference of creditors, the 341 (a) meeting and other creditors' committee meetings.
- PIN Plan and Disclosure Statement: Formulation, presentation and confirmation; compliance with the plan confirmation order, related orders and rules; disbursement and case closing activities, except those related to the allowance and objections to allowance of claims.
- Relief From Stay Proceedings: Matters relating to termination or continuation of automatic stay under S 362.

In Re: Ohio Valley University Bk. No.: 22-00056

Debtor.

EXHIBIT - C

FEE APPLICATION CURRENT APPLICATION

Fees Requested \$53,235.00 Expenses requested \$797.14

Names of Professionals/Hours Billed Rated Total for Application

Thomas H. Fluharty, Attorney \$350.00/hr. \$53,235.00

TOTAL BLENDED HOURLY RATE: \$350.00 per hour

CERTIFICATE OF SERVICE

I	hereby	certify	that	the	foregoing	APPLICATION	BY	TRUSTEE	FOR		
COMPENSATION was served upon the following individuals, at the addresses listed below, by											
placing a true and correct copy thereof in the United States mail, postage prepaid, thisday											
of			_, 202	24							
Served e	lectronica	lly on:									
Martin@	heehan, E MSheeha for Debto	nlaw.net									

Office of the Assistant U.S. Trustee <u>ustpregion04.ct.ecf@usdoj.gov</u>

Thomas H. Fluharty, Trustee

In Re: Ohio Valley University Bk. No.: 22-00056

Debtor.

ORDER

Upon consideration of the Application of Thomas H. Fluharty, Attorney for the Trustee, for allowance of compensation for professional services rendered and for reimbursement for actual and necessary costs and expenses incurred by him in the administration of the above estate in the amount of \$54,032.14 and it appearing to the Court that notices having been sent and no adverse interest appearing, it is **ORDERED** that Thomas H. Fluharty, Attorney for the Trustee, be and is hereby allowed compensation for professional services rendered and for reimbursement for actual and necessary costs and expenses incurred by him in the administration of the above estate in the amount of \$54,032.14.

Submitted by:

Thomas H. Fluharty, Trustee

WV Bar No.: 1231 408 Lee Avenue

Clarksburg, WV 26301

(304) 624-7832